IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.1944 OF 2004

Alpa Hemant Shah. ...Petitioner.
Vs.
Bank of Baroda & Ors. ...Respondents.
....
Mr. A. P. Rege for the Petitioner.
Ms. Sidhwa i/b.Kadwani & Co. for Respondent No.1.
.....

CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 12, 2004.

P.C.:

The petitioner is aggrieved by the order passed by the Debt Recovery Tribunal dated 18th May 2004 passed in R. P. No.207 of 2002 which reads as under:

> "Whereas in Execution of recovery Certificate dated 2nd December 2002 passed by the Hon'ble Debts Recovery Tribunal No.III. The undersigned has ordered the sale of the under mentioned immovable property.
>
> You are hereby informed that 2-6-04 has been fixed for drawing up the Proclamation of Sale and settling terms thereof. You are requested to bring to the notice of the undersigned any encumbrances, charges, claims of liabilities attacing to the said properties or any portion thereof.

Specification of property:

Immovable properties being Residential Block No.1, 3rd Floor, Varsha Building, Tashkant Premises Co-op. Housing Society Ltd., 2nd Khetwadi Lane, Mumbai-400 004 belonging to Defendants."

The order is clearly appeallable. In view of the fact that there is statutory appeal available to the petitioner, this writ petition, under Article 226 of the Constitution, at this stage, cannot be entertained by the Court. The writ petition being devoid of any merit, is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.